IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 4954 of 1996

Between:

The Andhra Pradesh Mineral Development Corporation, rep.by it's Secretary Sri P.R.Krishna Gandhi,
8-3-945, Pancom Business Centers,
Ameerpet, Hyd.

..... PETITIONER

AND

1 K.Chandrasekhar , S/o. late Mallikarjuna Rao,
C/o.V.L.Narasimha Rao,(redtd Tahsildar), Karman Bazar,
Piduguralla, Guntur Dist.
2 The Labour Court,
Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ or order or direction; i) declaring the award in I.D.No.160/94 dt.19/8/1995 on the file of the Labour Court, Guntur as illegal, without jurisdiction and quash the same.

Counsel for the Petitioner: MR.A.SUDERSHAN REDDY

Counsel for the Respondent No. : MR.S.RAJ KUMAR

The Court made the following:

O R D E R:

Heard both sides.

The petitioner, which is a Corporation, seeks to assail the impugned award passed in I.D.No.160 of 1994, dated 19-08-1995, on the file of the Labour Court, Guntur, as illegal.

The case of the petitioner is that it engaged the first respondent on temporary and daily wage basis. Therefore, he cannot claim any benefits under the Labour Laws.

However, as against the orders of termination, invoking provisions of Section 2-A (2) of the Industrial Disputes Act, 1947,

(hereinafter referred to as 'the Act') he filed the I.D. Ultimately, the Labour Court, after conducting an enquiry by providing opportunity to both sides, answered the said reference directing reinstatement of the first respondent into service without back wages, on the ground that there is a clear violation of the mandatory provision envisaged under Section 25-F of the Act on the part of the petitioner.

Though several contentions are sought to be urged, the fact remains that there is no proper compliance of the mandatory provision as contemplated under Section 25-F of the Act. It is also represented that in terms of the said award, the first respondent was already reinstated into service. Having regard to the same, I do not find any merits in the writ petition and the same is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

(**B. PRAKASH RAO, J**)

Date: 23-11-2004

ghn

To

1 The Labour Court, Guntur.

2 Two CD copies.